

IN THE STUDENT SUPREME COURT
IN AND FOR THE FLORIDA STATE UNIVERSITY

NATIONAL ASSOCIATION FOR
THE ADVANCEMENT OF COLORED
PEOPLE, A Registered Student
Organization

Case No. 2018-10

Petitioner

v.

PETER SINGHAL, Student Senate
President

Respondent

Per Curiam

ORDER OF DENIAL ON PETITION FOR WRIT OF CERTIORARI

Jurisdiction

Pursuant to Article IV, Section 3(C)(3); 3(C)(4) of the Student Body Constitution, this Court has jurisdiction “[o]ver conflicts between student groups,” and may “issue writs of mandamus, prohibition, and quo warranto when a Student Body officer is named as a respondent.” Additionally pursuant to Supreme Court Rule of Procedure 5(a), “[t]he Court can hear appeals of decisions from all lower bodies over which it has jurisdiction, pursuant to the Florida State University Constitution.”

Factual and Procedural Background

On March 8, 2018, the National Association for the Advancement of Colored People (NAACP) petitioned this Court for certiorari, to review the decision of the Student Senate to deny funding for students to attend the “March for our Lives” event. The Petition states that the Student Senate improperly denied the funding requested in Bill 29. Specifically a transfer of \$2,000 from the Senate Projects account to the NAACP’s Travel and Expense account. *See* <http://sga.fsu.edu/bills/2.28.18.pdf>. The Bill failed 16 votes to 24 votes, with one abstention. *See* <http://sga.fsu.edu/senate-voting/3.7.18.pdf>. The Complaint makes 3 principle arguments that the decision should be overturned. First, the Senate previously voted to fund the NolePAC \$2,700 for travel to a conference of the American Israel Public Affairs Committee, arguing the March for Our Lives is a similar non-partisan gathering. Second, that the funds can be allocated from the Senate Projects account, contrary to what appears to be the position of the Senate. Third, the NAACP’s mission statement aligns with the purpose of the March for Our Lives event. In their Demand for Judgment, NAACP says

The reason we are filing this compliant is to point to clear prejudice, and discrimination with in Student senate aimed primarily at minoritized groups on campus using unconstitutional arguments . NAACP operates under the Mantra equality under the law and that is the principle we are seeking today. We ask you to either require senate re-debate and vote on our issues with the parameters set to remove unconstitutional bias or retroactively defund all NolePAC and any other groups trips to events with the previously stated criteria.

See Complaint at ¶ 4.

Holding

We hereby deny certiorari for all claims regarding the vote to deny funding. However, we do not speak as to what appears to be a claim found in the Demand for Judgment, regarding the ethical conduct of the Senate, as ethical conduct is something which must be complained of as original jurisdiction, and not raised on an appeal of a decision.

Reasoning

The appeal presented presents this Court with a political question. “The nonjusticiability of a political question is primarily a function of the separation of powers.” *Baker v. Carr*, 369 U.S. 186, 210 (1962). At a very basic level, a political question is one which is a question delegated to a branch of government, here the legislature, for its resolution. The Senate is tasked with writing, and subsequently voting on legislation. This “Court will not, and may not, substitute its judgment for that of the Legislature insofar as...[the funding of organizations] is concerned.” *Hamilton v. State*, 366 So. 2d 8, 10 (Fla. 1979). It is not the duty of the Court to vote on legislation, or “vote” through Orders in retrospect. Moreover, protection of rights asserted by petitioners must be a right for which protection can be judicially molded. *See Baker, supra* at 198. Here, the Demand for Judgment is not one which lies within our power, as it relates to a quashing the decision of the Senate as it relates to both NAACP and NolePAC, and retroactively “defunding” NolePAC and “any other groups” who have traveled to similar events to that which NAACP was denied funding for, especially without their joinder.

We do not reach the merits of this claim, and the denial of certiorari is not an affirmance of the decision and actions of the Senate. It is merely just what it is, a denial of certiorari; it is simply the Court’s determination there is not a question of law which is justiciable. Here the appellant presents two issues. One is an appeal of a decision by the Senate, specifically a vote. This claim is not for our Court to resolve as it is a hornbook political question. The second issue is not spoken to in this denial of certiorari. Petitioners assert what appears to be an original jurisdiction claim under Chapter 205, Student Body Statutes (2018), regarding prejudicial and discriminatory treatment of their organization by the Senate. However, that is an original jurisdiction claim, and not for resolution at this stage. If the Petitioners wish to bring a claim against specific actors in the Senate under the Code of Ethics, they may do so, but they must do so properly. Nothing in this Denial of Certiorari shall be construed to bar a Chapter 205 claim by the Petitioners against the Senate and its actors.

Conclusion

This Court finds the appeal presented presents a nonjusticiable political question, and that the requested remedy: quashing and remanding the decisions of the Senate as they relate to the funding of NAACP and NolePAC, and a retroactive defund of NolePAC and “any other groups,” to be outside this Court’s ability to mold without those groups joined. The Court does not bar the possibility of a Chapter 205 claim against the Senate and its actors.

The Petition for Writ of Certiorari is hereby DENIED.

DONE AND ORDERED, this the 22th Day of March, 2018, Tallahassee, Florida.